REMARKS

Claims 1-43 are pending in this patent application with claims 1-28 being allowed and claims 30-32, 36, 38, 39, 42, and 43 being objected to as being allowable but dependent upon a rejected base claim. Claims 29, 33-35, 37, and 40-41 (of which claims 29 and 33 are independent claims) stand rejected.

Claims 1-17 are amended to assure that these claims are not construed as step-plus-function claims. These claims are not amended for patentability.

Claims 30, 33, 36, 38, and 42 are amended, in accordance with examiner's suggestion, to be in independent form including all of the limitations of their base claims and any intervening claims. Therefore, claims 30, 33, 36, 38, and 42 as well as claims 31-32 and 43, which depend from claims 30 and 42, respectively, are now in a condition for allowance. These claims are of the same scope as they were originally presented and are not amended for patentability.

Claim 29 is amended to recite, in part, a controller programmed to use composite failure codes to determine whether the process should be stopped, wherein the composite failure codes are developed from information associated with two or more errors. Likewise, claim 33 is amended to recite, in part, a controller that processes a group of composite failure codes to determine whether the process should be stopped, wherein the composite failure codes are developed from information associated with two or more errors.

By this amendment, no additional claims are added and four claims are placed in independent form over those for which the filing fee has already been paid. The examiner is hereby authorized to charge the fee for the consideration of four additional independent claims ($344.00), or any other fee which may be required for consideration of the claims, to Deposit Account No. No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

Applicants respectfully traverse the rejection of claims 29, 33-35, 37, and 40-41 as anticipated by Konar, U.S. Patent No. 6,535,769 ("Konar"). Reconsideration is respectfully requested.

Each of claims 29, 33-35, 37, and 40-41 now recites a controller that uses or processes composite failure codes to determine whether a process should be stopped, wherein the composite failure codes are developed from information associated with two or more errors.

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Konar fails to disclose the use of composite failure codes developed from information associated with two or more errors, and therefore Konar cannot anticipate any of claims 29, 33-35, 37, or 40-41.

While Konar discloses a system which utilizes an error code associated with an individual error generated by a programmable logic controller, Konar does not disclose or even suggest that this error code can be a composite failure code developed from information associated with more than one error. Instead, each of the error codes of Konar is indicative of or associated with a single error event. As a result, Konar only discloses the use of an error code associated with a single error, not two or more errors, as recited by each of claims 29, 33-35, 37, and 40-41. Therefore, Konar cannot anticipate any of claims 29, 33-35, 37, or 40-41.

Furthermore, Konar cannot render any of claims 29, 33-35, 37, or 40-41 obvious because Konar does not, in any manner, suggest that it would be desirable or even possible to combine information associated with two or more errors into a single composite failure code. In fact, Konar does not recognize the deficiency of using an error code containing information associated with only a single error event. Thus, Konar cannot suggest a motivation for using composite failure codes developed from information associated with two or more errors. As discussed in the specification, prior art systems are inefficient in processing failure information because these systems can generate enormous numbers of single errors as designated by each error code. Attempting to continuously analyze individual error events from each error code inherently slows down monitoring efforts. Furthermore, analyzing each single error separately to determine stoppage of a process ignores situations in which the collective existence of several individual errors should result in a process stoppage.

The problems discussed above can be alleviated using composite failure codes which are developed from multiple errors. The use of composite failure codes combining information from multiple errors can reduce the amount of data required to propagate failure information while also being able to provide an immediate indication of the collective severity of a combination of errors within a control module, a plurality of field devices, or both. Stoppages can then be determined based on failure situations that consider multiple errors within a process, not just single errors, which may be relatively unimportant at a particular stage of processing.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a prima facie case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. See, *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because Konar does not disclose or even suggest the desirability of combining information associated with two or more errors to form a composite failure code, much less using a composite failure code to determine stoppage of a process, Konar cannot render any of claims 29, 33-35, 37, or 40-41 obvious.
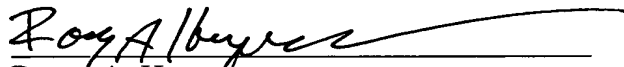
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, Applicants respectfully request reconsideration and allowance of rejected claims 29, 33-35, 37, and 40-41, as well as objected to claims 30-32, 36, 38, 39, 42, and 43.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

APPLICANTS INTERVIEW SUMMARY RECORD

On May 20, 2004, applicants' attorney, Roger A. Heppermann, conducted a telephonic interview with Examiner McCarthy. During the interview, the amendments made herein to claims 29 and 33 were discussed. Examiner McCarthy indicated that these amendments should place this case in condition for allowance, assuming they distinguish over Konar. The examiner's willingness to conduct the interview and assistance in this matter is greatly appreciated.

Respectfully submitted,

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